26798. Misbranding of On The Nose. U. S. v. Gus Stephens (Tested Specialties Co.). Plea of guilty. Fine, $25. (F. & D. no. 37997. Sample no. 22543–B.)

This case involved a veterinary preparation the label and package of which bore and contained false and fraudulent representations regarding its curative or therapeutic effects.

On September 16, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Gus Stephens, trading as Tested Specialties Co., Chicago, Ill., charging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about March 9, 1936, from the State of Illinois into the State of Louisiana of a quantity of an article, labeled "On the Nose", that was misbranded.

Analysis of the article showed that it consisted essentially of mercury (14.9 percent) incorporated in a lard base.

It was alleged to be misbranded in that statements regarding its curative or therapeutic effects, appearing on the cartons and packages and in a circular enclosed in the cartons, falsely and fraudulently represented that it would be effective to save dogs; effective as a general conditioner for dogs; effective as a treatment, remedy, and cure for cold or cough, sneeze or sniffle, running nose or watery eyes, fever, loss of pep or appetite, worms, and serious cases; and effective as a treatment, remedy, and cure for dogs definitely out of condition, and as a preventative for most animal ailments.

On October 27, 1936, a plea of guilty was entered by the defendant and the court imposed a fine of $25.

W. R. GREGG, *Acting Secretary of Agriculture.*

26799. Adulteration and misbranding of fluidextract of aconite and tincture of opium. U. S. v. Chicago Pharmacal Co. Plea of guilty. Fine, $50 and costs. (F. & D. no. 38033. Sample nos. 33397–B, 55873–B, 57291–B.)

This case involved fluidextract of aconite and tincture of opium, products recognized in the National Formulary and the United States Pharmacopoeia, respectively, which differed from the standard laid down in those authorities. The fluidextract of aconite was about 25 percent of the minimum strength required by the National Formulary and the tincture of opium was 5 percent below the minimum strength permitted by the United States Pharmacopoeia.

On November 19, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Chicago Pharmacal Co., a corporation, Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 10, 1936, from the State of Illinois into the State of Michigan of a quantity of fluidextract of aconite, and on or about May 28 and June 9, 1936, from the State of Illinois into the States of Michigan and Indiana of quantities of tincture of opium, which products were adulterated and misbranded. The articles were labeled, respectively; "Fluid Extract Aconite N. F. * * * Chicago Pharmacal Company"; "Tincture Opium U. S. P. XI * * * Chicago Pharmacal Company, Chicago."

The fluidextract of aconite was alleged to be adulterated in that it was sold under a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the test laid down therein, in that when assayed biologically the minimum lethal dose was greater than 0.00004 cubic centimeter, namely, not less than 0.00016 cubic centimeter per each gram of body weight of guinea pig; whereas the formulary provides that when assayed biologically the minimum lethal dose of fluidextract of aconite shall not be greater than 0.00004 cubic centimeter per each gram of body weight of guinea pig, and the standard of strength, purity, and quality of the article was not declared on the container thereof.

Adulteration of the tincture of opium was alleged in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down therein in that it yielded less than 0.95 gram of anhydrous morphine per 100 cubic centimeters, samples of the two shipments having been found to yield not more than 0.905 gram and 0.894 gram, respectively, of anhydrous morphine per 100 cubic centimeters; whereas the pharmacopoeia provides that tincture of opium shall yield not less than 0.95 gram of anhydrous morphine per 100

cubic centimeters, and the standard of strength, quality, and purity of the article was not declared on the container thereof. Adulteration was alleged in respect to both products for the further reason that their strength and purity fell below the professed standard and quality under which they were sold.

The articles were alleged to be misbranded in that the statements on the labels, "Fluid Extract Aconite N. F." and "Tincture Opium U. S. P. XI", were false and misleading since the former did not conform to the standard laid down in the National Formulary and the latter did not conform to the standard laid down in the United States Pharmacopoeia, 11th revision.

On January 11, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $50 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

26800. Misbranding of phenobarbital sodium, and Ven-Calxodine. U. S. v. The Intra Products Co. Plea of guilty. Fine, $50. (F. & D. no. 38035. Sample nos. 59413–B, 59416–B.)

This case involved quantities of ampoules of phenobarbital sodium and of Ven-Calxodine. The phenobarbital sodium ampoules contained in some instances a greater quantity, and in others a smaller quantity of phenobarbital sodium than that represented on the label. The Ven-Calxodine ampoules contained a greater proportion of sodium iodide than that represented on the label.

On November 13, 1936, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Intra Products Co., a corporation, Denver, Colo., charging shipment by said corporation in violation of the Food and Drugs Act, from the State of Colorado into the State of California on or about September 28, 1935, of a quantity of phenobarbital sodium, and on or about January 3, 1936, of a quantity of Ven-Calxodine that were misbranded.

The phenobarbital sodium amopules were alleged to be misbranded in that the statement, "Phenobarbital-Sodium 3 Grains", borne on the label of the ampoules, was false and misleading in that it represented that each of the ampoules contained neither more nor less than 3 grains of phenobarbital sodium; whereas in fact some of the ampoules contained more, and others contained less than 3 grains of phenobarbital sodium.

The Ven-Calxodine was alleged to be misbranded in that the statement, "Sodium Iodide (NaI) 0.23 Gm. (4 Grs.) * * * in each 20 Mil. Ampoule", borne on the label of the ampoules, was false and misleading in that it represented that each of the ampoules contained 0.23 grain of sodium iodide per 20 milliliters, and that each of the ampoules contained 4 grains of sodium iodide per 20 milliliters; whereas in fact each of the ampoules contained more than 0.23 grain of sodium iodide per 20 milliliters and more than 4 grains of sodium iodide per 20 milliliters.

On December 8, 1936, a plea of guilty was entered on behalf of defendant corporation and the court imposed a fine of $50.

W. R. GREGG, *Acting Secretary of Agriculture.*

26801. Misbranding of Juice-O-Veg. U. S. v. 54 Cases of 24 Bottles Each and 21 Additional Bottles of Juice-O-Veg. Default decree of condemnation and destruction. (F. & D. no. 38107. Sample no. 60192–B.)

The bottle labels of this article and an accompanying circular contained false and misleading representations that it consisted of vegetable juice, when it contained fruit juice in addition to vegetable juice; and said circular also contained false and fraudulent representations regarding its curative or therapeutic effects.

On August 3, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 54 cases containing 24 bottles each and 21 additional bottles of Juice-O-Veg at Long Beach, Calif., alleging that the article had been shipped in interstate commerce on or about May 19, 1936, by Juice-O-Veg, Inc., from New York, N. Y., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that it consisted of plant juices, 95 percent of which was water, and that each 100 cubic centimeters contained an inconsequential proportion of salts of iron, calcium, manganese, magnesium, potassium, and sodium, including phosphates and silicates.